

**MINUTES OF REGULAR MEETING  
OF  
GREENSBORO PLANNING BOARD**

**APRIL 21, 2004**

The Greensboro Planning Board met in Regular Session on Wednesday, April 21, 2004 at 2:00 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building, Greensboro, North Carolina. Board Members present were Chair Patrick Downs, J.P. McIntyre, John Rhodes, Dick Hall and Julius Koonce. Staff members present were Robert Morgan, Acting Planning Director, Alec MacIntosh, Art Davis, Haywood Cloud, Bill Ruska and Heidi Galanti of the Planning Department; Craig McKinney, Adam Fischer and Bill Judge, of the Greensboro Department of Transportation (GDOT); and Blair Carr, Esq., City Attorney's Office.

Chair Downs called the meeting into session.

**APPROVAL OF MINUTES OF THE MARCH 17, 2004 REGULAR MEETING.**

Mr. McIntyre moved approval of the minutes of the March 17, 2004 regular meeting as written, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Hall, Koonce. Nays: None.)

**RESOLUTION TERMINATING STREET ACCESS ACROSS THE RAILROAD TRACK AT LOWDERMILK STREET. (CONTINUED FROM FEBRUARY MEETING) (NOT RECOMMENDED)**

Craig McKinney of GDOT stated that in February he presented this item to the Board. At that meeting, several issues were brought forward and staff has worked to address many of those issues. The packet the Board received recently addressed most of those. They now have a summary document about the East Guilford Traffic Separation Study, some public comments received since a meeting that they recently held, the resolution of when the Metropolitan Planning Organization adopted the study findings, and a review done by GDOT on connectivity issues related to this closing. During the public meeting on April 8, they had 34 people to sign in as attendees. Many of the issues brought up related to the proposed termination. Staff attempted to address those concerns as best they could during the meeting.

The connectivity review showed that there were some mixed feeling from members of the City staff as far as this closing. The emergency response showed that the closing would have little or no impact to response times to the area. Still staff agreed with the technical findings of the study, but they had taken into considerations the concerns that the community expressed in the public meeting. Staff has weighed those concerns versus the actual cost of what they are talking about, as far as with the termination of the crossing itself. With that they have for the Board a revised recommendation from GDOT staff, which reads as follows:

The City of Greensboro Department of Transportation will carry forth the study and its recommendations to City Council in the upcoming meeting to adopt the East Guilford Traffic Separation Study, with the exception of the short-term recommendation at Pine and Lowdermilk Street. Due to the strong neighborhood opposition to this closure and the lack of a clear safety

mandate for the immediate termination of the Lowdermilk crossing, we recommend the crossing remain open at this time. The crossing termination to occur when the City and State, after closely monitoring the safety in the crossing and the frequency of trains and/or at such times as other crossing improvements in the study are implemented that would provide a substantially safer crossing alternative.

GDOT staff hopes that this is something the Board finds agreeable and hope that they can then proceed with actions. With him today are Michael Shumsky from the North Carolina Railroad Division and Don Bryson from the consulting firm of Martin, Alexiou, Bryson, who are the principal consultants in this study's development.

In response to a question from Mr. Hall, Mr. McKinney said their recommendation is that the crossing not be closed at this time.

Mr. Hall asked what would occur if at a future date justification exists.

Mr. McKinney said GDOT staff would bring the item back to the Board with explanation.

Mr. Hall said he thought that was a great solution here. He thanked Mr. McKinney.

Chair Downs said he thought he had the upshot; they were going to hold off on the closing at this point and study if further; was that what he heard?

Mr. McKinney said study it further or at such time other improvements like the grade separation at Franklin Boulevard and future grade separation to the west are put in, if they had not had a safety concern, they would move forward with the termination process to close it at that time and that would include coming back before this Board.

Mr. Koonce asked if the main purpose for closing the Lowdermilk crossing would it be for the traffic from the railroad or to speed up the traffic on the railroad for future expansion in that area. He asked what was the main purpose for closing this crossing. He had read through it, but he did not quite understand the actual purpose of the closing. He knew Mr. McKinney said safety, but what is the main purpose for which GDOT would consider closing the crossing?

Mr. McKinney said he would ask Michael Shumsky to answer that question. He can explain NCDOT's Rail Division's policy not only in Greensboro but also throughout the state.

Michael Shumsky of the NCDOT Rail Division said the Traffic Separation Study that was conducted was to address existing safety concerns, regardless of any future high-speed rail program. Existing safety conditions were evaluated in terms of the existing train traffic and existing vehicular traffic. Prior to making a recommendation to close any crossing, there are several crossing closure criteria that are evaluated, all of which are in the report, but he wanted to mention briefly that one was alternative access. The fact that you have within a relatively short distance an alternative access. Another was prior accident history. As it turns out, there was no prior accident history at Lowdermilk, which is good, but that is only one of 7 criteria. They look at roadway geometries and, as was stated in the report, there was a concern with stacking distance in proximity to the railroad track at East Market Street. They look at geometries; is it a humped crossing; is it a skewed crossing? The Department stands by all the recommendations contained in the report, which includes Lowdermilk, but those are some of the reasons why Lowdermilk was identified. During their public involvement process, they did look at closing Pine Street versus Lowdermilk.

Mr. Koonce said, for the record, he wouldn't recommend any increase of speed, whether it was by vehicle or by train, especially in a residential area and especially in a community area. Even though you close the street at Lowdermilk, no matter what you do to that area you will have children and residents crossing through that area. So if you are going to make it a safety area, then he didn't think closing Lowdermilk would be a good idea, whether they do it now or later, unless they provide a means of safety, especially with the young children crossing. Even if you put up a fence, they will walk the tracks until they can cross over.

Mr. Shumsky said one of the considerations was the train speed. Since the study began, it did increase from 59 miles per hour to 79 miles per hour, which is certainly a concern.

Chair Downs asked if the train speed was not regulated by the Federal Government, or is that a State function?

Mr. Shumsky said it used to be the Interstate Commerce Commission and it is now the Surface Transportation Board.

Mr. Koonce said they increased the speed on the tracks in a residential area?

Mr. Shumsky responded that whether it be in a residential, commercial area or industrial area, that was correct.

Mr. Rhodes said he would like to express his appreciation to Mr. McKinney and Mr. Shumsky for reconsidering that closing of Lowdermilk. Of course, when this came to the Board, he had some very, very serious concerns. He had only hoped that the neighborhood meeting they had the last time would impact on their decision somewhat. He said he had one other question. There were some businesses in there that required use of 18-wheelers. Would something happen within DOT that would widen of streets? Could they widen Lowdermilk Street to accommodate that traffic? He said some of the business people who were here last time and those who were at the public hearing were concerned about that.

Chair Downs asked if there was anyone present who would like to speak to this item and no one came forward.

The Board then closed the public hearing.

Mr. Hall moved that the resolution be denied and that Lowdermilk Street remain open, seconded by Mr. Rhodes. The Commission voted 5-0 in favor of the motion. (Ayes: Downs, Hall, Rhodes, Koonce, McIntyre. Nays: None.)

Chair Downs thanked Mr. McKinney for the additional analysis done pursuant to the questions that the Board had last time. He thought this was a good place to let this rest at the moment.

#### **PUBLIC HEARINGS:**

##### **A. AMENDMENT OF GENERALIZED FUTURE LAND USE MAP IN COMPREHENSIVE PLAN - BATTLEGROUND AVENUE AND OLD BATTLEGROUND ROAD. (NOT RECOMMENDED)**

Heidi Galanti, Comprehensive Planner with the Planning Department, said she was here to present on a proposed amendment to the Generalized Future Land Use Map. However, before she got started, she said she received a fax today from Wanda Winfree, who lives at 3316 Horse Pen Creek Road, who was not able to be here today, but wanted to fax in a comment on this case, so she would like to give that to the Board.

She said in the Board members' agenda packets they received a copy of the public hearing notice with a map that showed the area requested for rezoning and a copy of the staff report that presents this case to the Board. She also had additional maps to hand out, a color version of the Land Use Classification Map, and an 11x17 aerial of the area that is proposed for change, with the Land Use Classification overlaid on top.

She said the area proposed for change on the Generalized Future Land Use Map was indicated on the map. The lower purple area already exists as mixed use residential. The upper area is the area they are proposing to add to the mixed use residential. Also shown on the Map were US 220 and Old Battleground Road, Horse Pen Creek Road to the west. The watershed critical area was shown in a hashed pattern, the noise cone to the airport was shown on the west side, the activity center was shown in a circle at the corner of Battleground Avenue and New Garden Road. The proposed Urban Loop is dashed in. The city limits was also shown, but difficult to see.

Within the report received by the Board, there was a background of how they got here today, definitions of the different Land Use Classifications, the goals and policies of the Plan that staff saw as applicable to this case, and a staff analysis that was based on the criteria of Plan Section 10.4.2 (Appendix A of the packet) and the goals and policies of the Plan and the existing land use in the area.

The staff analysis focused in on the Generalized Future Land Use Map, which currently envisions the future of this area to consist predominately of low density residential. This classification supports mixed housing types of single family detached dwellings, townhomes, apartments, condominiums, cluster housing and duplexes. Staff was recommending extending the mixed use residential land use classification to add the northeast and northwest areas of the US 220/Old Battleground/Horse Pen Creek intersection. This classification supports mixed residential housing types with compatible, local-serving neighborhood non-residential uses. This area immediately abuts an existing mixed use residential land use classification to the south of Old Battleground and Horse Pen Creek Roads. The mixed use residential will be more in keeping with the current surroundings and it will allow for the integration of neighborhood services with the residential uses. The plan's growth at the fringe goal calls for sustainable patterns of land use and sound stewardship of the environment. The existing commercial development at this intersection is currently of compatible scale and magnitude with one another. The scale of the existing commercial is also in keeping with the nearby neighborhood in the extended area. The mixed use residential classification is mostly residential in nature, with small, local-serving neighborhood services that will not tend to duplicate services that are already available on US 220, thereby supporting the sustainability of this area. Promoting mixed use residential in this area continues to encourage the uses of higher density and intensity to develop within the activity center at the intersection of US 220 and New Garden Road. Staff encourages the redevelopment of the existing commercial uses at the US 220/Old Battleground/Horse Pen Creek intersection, with the incorporation of residential uses. This area is located near the edge of the city where land uses should decrease in intensity as they approach the edge. This transition allows the boundaries of the city to remain distinguishable from neighboring towns, and an expansion of the mixed use residential still allows for this desired transition to occur.

The plan also calls for sound stewardship of the environment and protecting the quality of our water supply.

This area lies within the watershed critical area and it includes a perennial stream. Mixed uses and compact development can co-exist with the watershed critical area without unduly harming this sensitive environment through clustering uses, minimizing impervious surface and encouraging more intense uses to locate within the activity center, which is located outside of the watershed critical area.

The purpose of the Comprehensive Plan is to gradually move the development of the community towards the adopted community vision. The Generalized Future Land Use Map is a visual, geographic display of the goals and policies of the plan, which depicts what the citizens have said they want the community to be in 20 years. The area along US 220, between the proposed Urban Loop and Old Battleground and Horse Pen Creek Roads, currently has a mix of uses that includes residential, commercial and office, but the mix portrays the old form of segregated development. The segregated development is discouraged in the plan and new patterns of integrated mixed uses that enhance the quality of life and provide for a sustainable pattern of land use are encouraged. With the designation of mixed use residential land use classification, the integrated mix of uses can be achieved. The plan encourages more diversified mixed use centers. The plan supports the redevelopment of this area as one cohesive development, providing an opportunity for neighborhood services with the residential. The plan encourages protection against incompatible commercial encroachments into residential neighborhoods. The mixed use residential land use classification supports these objectives while recognizing and promoting the redevelopment of existing underutilized non-residential properties in the area. The intersection of US 220, Old Battleground Road and Horse Pen Creek Road currently provides neighborhood scale commercial services and a change to mixed use residential would be compatible with the current surroundings.

The intent of the plan is to look at the big picture of what is best for the community and not focus on and make changes only for specific sites with one specific zoning district designation. In evaluating this proposed amendment, staff has looked at the overall plan and its goals and policies and feels that the amendment is supported by the plan and that it will not have a negative impact on its implementation. If approved, staff will encourage the development of this area through the application of a combination of different zoning districts. Expanding the existing mixed use residential land use classification around the intersection, as she had said before, will allow for the redevelopment of the area and encourage the mix of uses. The modification to the plan would maintain the intent of encouraging mix of uses, protecting existing neighborhoods and maintaining the transitioning down in intensity of uses as growth towards the City's edge occurs.

The staff recommendation is that a change to the land use designation on the Generalized Future Land Use Map is warranted. The staff recommends amending Figure 4-2 for the area from low residential to mixed use residential. This designation will allow for the cohesive development of this area with well-integrated mix of residential and neighborhood serving commercial, in-scale with its surroundings and will maintain and reinforce the intent of the plan. And the plan encourages the reuse and redevelopment of mixed use neighborhood services and sustainable development. This amendment supports the plan's policies and will not substantially change the character of the area because it will provide for both residential and neighborhood services, which already characterize the area.

Mr. McIntyre said he had a couple of questions regarding procedure. He said City Council was planning to get back to the Board regarding some direction and the Board has not received that yet. Should they still proceed with this item?

Ms. Galanti said she did not think that would have any effect on what the Board was doing here today.

Ms. Galanti was asked if these amendments been reviewed by the Monitoring Committee, or will they be?

Ms. Galanti responded that they had not been reviewed by the Monitoring Committee and staff had not planned on that.

Bill Ruska, Zoning Administrator, said that while this proposal grew out of a proposed rezoning, that rezoning request had been withdrawn. He thought it was important for the Board to understand that there are no pending rezoning requests in this area.

Mr. Hall asked how far north of the intersection of Old Battleground and Horse Pen Creek Roads and 220 does this cone extent in feet?

Ms. Galanti said it extends approximately 1,933 feet north of Old Battleground/Horse Pen Creek Road.

Mr. Hall asked if it was roughly a little less than a half mile or all the way to the bottom of the hill? He asked if she knew the topography up there, does this take you all the way to the bottom of the hill beyond the school?

Mr. Ruska said this extends very close to the southern property line of the school.

Mr. Hall said he happened to have an interest in a piece of property he thought was within that zone, so he would refrain from voting.

Counsel Carr explained that, that put the Board in a position where there was not a quorum to vote on this resolution.

Counsel Carr said they had a difference of opinion. She knew that this Board had adopted their own rules of procedure and it is an advisory Board. Mr. MacIntosh believes that it is a majority of the members present. If so, the Board would still have a quorum. With that, if the Chair would want to entertain any comment or want to take a recess, she would be more than happy to get her manual and look at the Board's rules.

Chair Downs said he liked the idea of Counsel Carr looking at the manual. However, he would open the public hearing for public comments and Counsel Carr could sort that out.

Counsel Carr said she thought it would be appropriate for the Board to entertain a motion for Mr. Hall to recuse himself and vote on that motion. In which case, he could recuse himself and you could go on with hearing the public.

Mr. McIntyre pointed out that there was no motion on the floor to vote on this particular amendment yet and the Board members may have discussions that would influence whether they should try something different. So it may not directly affect his financial interest in the property.

Counsel Carr said to the extent that he still has property in the area, any change you make or any discussions you have will potentially have an effect.

Mr. McIntyre said correct, but, for example, they could say there was no procedure set in place with the Planning Board, with the committee that oversees the plan. They may recommend that procedure be established before it comes to this Board.

Counsel Carr said she understood his point and she believed what he was saying was that you can decide as a Board that it is not right because the procedures are not in place for you to go forward. She suspects that on a procedural ground, he could vote on that issue. But to the extent that you begin having substantive discussions, with that, Mr. Chair, she did not know how he wanted to proceed. It seemed like he, at least, has one member that believes you shouldn't entertain any further comment on it.

Chair Downs said he was going to let the public present if they are here and close the public hearing. He thought Mr. Hall could weigh in before they go to substantive issues or the merits of the discussion and they could take a motion to have Mr. Hall recuse himself.

Counsel Carr said she would feel comfortable with his, at least, staying on the panel during the public discussions. And to the extent that you find it appropriate, then they would entertain a motion for his recusal. She would then be able to find out whether the Board had a quorum or not.

Chair Downs asked if there was anyone present who wished to speak in favor this Plan Amendment and no one came forward.

Chair Downs then asked if there was anyone present who wished to speak in opposition.

Stan Tennant, 4327 Four Farms Road, said while that property was not in this area, he had property at 3314 Horse Pen Creek Road, which was in this reclassification area. He said he would like to take an adversarial position to this reclassification of the area south of Horse Pen Creek Road and in the Four Farms neighborhood. Mr. Tennant stated that the area about which they were talking comes down into the Four Farms Road area and is the area that is still outside the city limits.

Mr. Tennant said he was informed about this meeting last night and received a fax about it this morning. He said he would like to object to this meeting and discussion of this because he was unable to participate in the process before it came to this meeting. And he disagreed with Ms. Galanti's opinions. Although he did support progress, her assessment of their neighborhood was one with which he did not agree.

He said part of the reason that he might have been unaware of the meeting was that they are in the county. He does not pay city taxes or have city services. City police services and housing inspection services could be important for this area. There have been problems from tenants of absentee landlords.

He said Four Farms Road was an old neighborhood. He asked that the Board please delete them from this proposal or at least give them time to prepare their argument to the point that the Board could see their point.

Chair Downs asked Mr. Tennant if he was a resident of the Four Farms neighborhood?

He said he certainly was; he had been there for 19 years. He owns a farm and they raise cattle. They have a nice neighborhood. But what the City is asking was for changes that involve a lot of people who have made a considerable investment in this area. It is more of an action than what it would seem on the surface.

Chair Downs said in the area that was labeled purple south of Horse Pen Creek Road within the area that he initially delineated, did he own property within that area?

Mr. Tennant said he owned property within that area. He does not live within that area. He lives adjacent

to it on his farm.

Mr. Hall asked if the area depicted on the map was all within the city limits of Greensboro?

Ms. Galanti said it was not currently within the city limits. The Comprehensive Plan goes out to the City's water/sewer boundary, which goes beyond the city limits.

In response to a question from Mr. Rhodes, Ms. Galanti said the low residential land use classification does not encourage commercial-type uses. The mixed use residential encourages neighborhood-serving commercial uses with the residential. So the change to mixed use residential would encourage the mix of the housing with neighborhood-serving commercial. But as to the existing land use, there is some commercial in that area right now and that was part of why they recommended making this change.

Mr. Rhodes asked if this commercial use facility exceeds the square footage of 3,000 square feet?

Ms. Galanti said they didn't have a square footage attached in the definition.

Marty Lawlor said he lives right behind one of the prospective changes that they want to make. He lives on a little gravel road off of Four Farms Road. If they could see the map, there were two acres that they want to rezone that is right behind his home. This is one of the absentee owners who owns this 2 acres. There is one home on it right now.

He had questions about lot size and permitted uses allowed by zoning.

Chair Downs said he would like to direct those questions to staff.

Mr. Ruska said Mr. Lawlor was speaking about a specific development proposal and this hearing has nothing to do with any particular proposal. At the point somebody got ready to develop that property, if they did, those plans would be reviewed by the Technical Review Committee and drainage would be one of the factors at which they would look.

Chair Downs said, generally speaking, the City, as far as he understood, does have surface water management controls in place that would control runoff rates. That would ostensibly address the runoff issue. He would note that staff's position was correct. They are talking about sort of a big picture, moving this from a Comp Plan designation that, at some point, would allow corresponding zoning to put mixed use residential development in there. He thought it was appropriate to extend the courtesy to Mr. Lawlor to answer the kind of questions that they could here.

Mr. Hall said now that he had flipped over and found the larger map, he could see that the piece of property that might have affected him was probably just to the north of that cone. So he thought he was okay to vote now that he could tell exactly where his property was.

Mr. Hall added to the Chair's comments, for the purpose of those folks who live out in that area, while this is not a rezoning request, this change in the definition of uses within this Comp Plan will affect the types of uses that subsequent persons could bring before City Boards. Their zoning request would need to be within the general definition of the request to change this to mixed use residential, which will allow something more than just homes in the area.

Edward Eaves, 3413 Derbywood Drive, said his home was in the first part of the residential area on the



right (east side) of the map. He just wanted to focus back on the amendment to the Comprehensive Plan. Before amending the Plan, they should consider what all went into that effort. The plan was a 2-1/2 year process where citizens put a lot of effort in formulating the general plan and the land use map. They examined each region of the city to determine what development would be in its best interest. The area in question, even though it is surrounded by other small commercial properties, was thought to be more appropriate as low density residential. Battleground does not need another corner of commercial development. They would be better served with the vacant buildings being filled with tenants than other development of any size being built and adding more space that must be filled. He said they should consider redeveloping the business areas that are already present rather than adding new ones. The corner in question at Battleground and Old Battleground is actually already the home of several vacant properties. This area was classified as low density residential to allow more homes to be built in the manner of the surrounding area. There is no real need to rezone this area to make it similar to the other corners that are already there. The Greensboro community, not just the White Horse Farms neighborhood, as a whole have spoken out against this amendment to the Comprehensive Plan. This has been evident in the numerous editorials and letters to the editor, many of whom have been written by former Greensboro city officials. These letters demonstrate the sentiment felt in the City about this proposal. Several civic groups, including the Greensboro Neighborhood Congress, League of Women Voters and the Sierra Club have argued against any amendments. Finally, he felt that if an amendment to the plan is merited at any time, which he was sure one day there would be a need, then we need to incorporate the whole city in the process.

When the Comprehensive Plan was written, the City went out of its way to ensure that all aspects of society and all regions of the city were involved. Business leaders, civic leaders, neighborhoods and every day citizens were selected for the Committee. Why then would an amendment not be subjected to the same criteria? When an amendment is presented, there should be an opportunity for the entire Greensboro community to voice their opinions and concerns. We should utilize the same resources for amendments that we did for the plan. There should be frank, open discussion to make the citizens of Greensboro know that they have a say in what the city becomes in the future.

There being no other speakers from the public, Chair Downs closed the public hearing.

Chair Downs asked staff, in terms of the process, did this go to the Monitoring Committee?

Ms. Galanti said there was no requirement that it go to the Monitoring Committee.

In terms of the mixed use residential designation, does the Comp Plan discuss residential densities within that designation?

Ms. Galanti said within the mixed use residential, no, it did not.

Mr. McIntyre said he would feel comfortable if the Board had more guidance from City Council or the City staff. Since there is no pressing issue at this point, was it better to take a step back and make sure that the City Council and Planning Board and Zoning Commission agree on a format - the gentleman mentioned having open meetings with neighborhoods and so forth - rather than this Board taking action today. He was asking for City staff's preference.

Ms. Galanti said what she could share with the Board was that this did go to City Council because it was at the time when the other proposal had not yet been withdrawn. So they took it to City Council. Once the other proposal had been withdrawn, City Council decided at that time to take the option of sending this

proposal back to the Planning Board to get your recommendation before it came back to them. So they actually have made the call to send it back to this Board.

Mr. McIntyre said the question was: Would you prefer that the Board take no action at this point?

Ms. Galanti said no. She said this was considered a text amendment and a normal route for a text amendment would be Planning Board recommendation and then final decision by City Council. So in staff's mind, this is the normal procedure that it would take.

Mr. Rhodes asked if he was correct in thinking that the 2025 Committee had already included an amendment process in the Plan and they had not had it a year. So it is already in Connections 2025; is not that so?

Ms. Galanti said yes and that was an Appendix in the Board's staff report that shows the amendment section.

Mr. Hall said he wanted to be sure he understood what the potential scope of use is within this mixed use residential category. Could you have apartments in there?

Ms. Galanti said yes, as you could in low density residential. You could have apartments in the current land use designation.

Mr. Hall said there really wouldn't be any difference in that use of this property?

Ms. Galanti said no.

Mr. Hall said it could be attached or detached residential use in either of those two categories.

Ms. Galanti said that was correct.

Mr. Koonce asked what was the role of the Monitoring Committee?

Ms. Galanti said the role of the Monitoring Committee was to monitor the steps that were laid out in the action plan to see that they are done and to prepare an annual report to be reviewed by City Council. Those were their primary duties. And to ensure that a balance between regulation and incentives is achieved.

Mr. Koonce said speaking on behalf of the community in this area, as far as communicating any decision that the staff made in changing any land use, how was that communicated throughout the community?

Ms. Galanti said in this case the notifications were sent to all of those property owners within the area that is shown on that map, according to the tax records. Mr. Tennant did not receive a notice. She went and checked on that, and that was because he has owned that property that faces on Horse Pen Creek for approximately a year and their records still show the previous owner. So she had corrected that address for the next mailing for the City Council public hearing.

Mr. Koonce said then there was normally just one notice that is sent out to the community?

Ms. Galanti said it would be a notice for the Planning Board and then another notice for the City Council.

Mr. McIntyre commented that he thought the proposal was a good one and was valid, but he just felt uncomfortable with making this change. It just doesn't feel like they had gone through the right process.

Chair Downs said he thought Mr. Koonce's question was very good as to what is the function of the Monitoring Committee is and it didn't sound to him like the function of the Monitoring Committee is to opine on the merits of map amendments. It's to look at the implementation vehicles, not this particular aspect of the Comp Plan. He thought he took further comfort in the process, given that the City Council has looked at it and specifically directed it back to this Board without intervening steps. So he was comfortable with the procedure that was in place.

Chair Downs said this to him had the hallmarks of the designation that's being proposed and in particular what lead him to that conclusion was the proximity of major thoroughfares in the region, the proximity to the Outer Loop and the proximity to the adjacent commercial mixed use to the south, and then given the lower density as you move away from this hub, all seems to him to make good planning sense, so with that thought, he thought this proposal had merits.

Mr. Rhodes asked if changing this low density residential, is it possible that some day that by going to mixed use residential rather than mixed use commercial, and you separate the two, is it possible that some day in the future that there could be as someone has said a CVS Pharmacy across the street from that house?

Ms. Galanti said staff did not have specific uses laid out in that definition, but what they do say is "neighborhood services." She could give her opinion that a drugstore could be considered a neighborhood service.

Mr. Hall said he was pretty familiar with that interchange and that's the principal difference between low density as it is now and mixed use residential in that right now that area in there, other than the commercialization that exists, would not be further permitted within the city limits of Greensboro if we allow the plan to remain as it is. He said he must say that there needs to be this change of atmosphere as you come down 220. And at some point, the line has to be drawn. He thought they had a Committee that spent a long time trying to figure out where to draw these lines. It troubled him that now we have to have this sort of bulb-shaped area up here and we change that from low density to mixed use and we open up the potential for every business that could be characterized as a local service. The character of that area up there is just residential. It isn't mixed use, it isn't drugstores or doctors' offices or filling stations or more pizza places, etc. He just had a strong feeling that this plan will mean nothing if we start chipping away at it. This just happens to be the first tip of the iceberg to come in here. But they are all around the city in every direction, everybody's neighborhood impacted somewhere by exactly this kind of fringe decision. And he didn't mean fringe decision in terms of radical, but in terms of the edges of the city. He said he just thought if Connections 2025 is to mean anything, we need to try to stay the course and see if we can't bring about development that's compatible with the detailed studies and hearings that were conducted with residents and with people with training in this area. And if we take this first area that gets questioned and we back down, the plan will end up, in his view, falling apart and he just felt very uncomfortable about going in, even though it's a little area, and picking this to set the first precedent for altering a lot of hard work that went into the development of this plan. And there are going to be a few places that holding the line on is going to be hard to do, but he didn't feel uncomfortable up in this area. It's predominantly residential, you're driving into town and it's open space. He just thought they were going to end up, if you do this - you've got a good bit of undeveloped land up there - he thought they were going to see some high density development taken advantage of within that extension if this gets approved. He just felt very reluctant to

see that happen. He said he just wanted to be on the record with that.

Chair Downs said in the argument of maintaining the integrity of the Comprehensive Plan, that has legs, there is no doubt about that. There are competing arguments that the Comp Plan is a living document and it will be subject to change. And each amendment or modification is going to sort of stand on its merits. He had opined on the merits here. He said one comment he had in response to Mr. Rhodes' comment was are you going to end up with a CVS next to the residential use and he had enough confidence in the market to think that that is not going to happen. And from what he understands, the direction of the Comp Plan is that property owners are going to have to present integrated solutions to that particular piece of property when they walk in as it is implemented. So although that is a concern that certainly would not fare well for a mixed use environment to have the big CVS box next door to the other uses. He believed the integrated proposals will come in. Another thought he had too was that he thought there was some further merit to this proposal, given that under the current zoning, we now have a paint store going in up there, isn't that true? We have a drugstore that is now up here, so the notion that this is a low residential area as it was designated before, is completely at odds with what is on the ground in those immediate corners of Battleground and Horse Pen Creek Road and actually thought this fits the reality of what's on the ground at this point.

Mr. Hall moved that denial of the amendment of the Comprehensive Plan be recommended to Council, seconded by Mr. McIntyre. The Board voted 4-1 in favor of the motion. (Ayes: McIntyre, Hall, Rhodes, Koonce. Nays: Downs.)

Counsel Carr said that according to the Board's rules, it must have a quorum first before you can entertain a vote. What Mr. MacIntosh was suggesting to you was that you simply needed a majority of the people present to go forward. You need a quorum first and then to carry any item, you need a majority of the quorum. But if you ever fall below a quorum, you can take no action. Mr. Hall's recusal would have left it below a quorum and would have left you in a position where you could not have taken any action. But as long as there is a quorum, a majority of the quorum will carry an issue.

Mr. Hall asked if those rules were promulgated by the Planning Board itself or are they dictated by some higher authority?

Counsel Carr said a little bit of both. There are some procedures that you must follow that are set forth in state statute, but to the extent that there are not any rules in there governing how you conduct your meetings, the Board itself, along with a little bit of input from City Council on attendance rules and things of that nature, sets its rules. So it is kind of a mix of all three. She said she could tell him that there is very little in state statutes. A lot of this has been promulgated by the Board itself.

Mr. Hall asked if that meant that they could huddle and as a Board make a change so that if they had a quorum for a meeting and somebody had to leave the meeting and was not there, that once they established a quorum, they could change their rules so that once they had a quorum present so that we had a valid meeting in process, if someone had to either withdraw from consideration of an issue or leave the meeting early, that the remaining members could vote. Could that be done? Mr. Hall said he did not mean for today. He meant could that be taken under consideration and those rules changed to accommodate that.

Counsel Carr said absolutely.

Mr. Hall said often when they were here and there were five people, if somebody had to leave early, it

would be a shame if everyone who came down was unable to express themselves on an issue.

Mr. Hall suggested to Chairman Downs that the Board should consider that change in their Board rules.

Chairman Downs said he would like to put that formally on the Board's next agenda for discussion of that issue in public so they can kick that around and talk about it. So if they could put that on next month's agenda, that would be great.

Mr. MacIntosh agreed to put that item on next month's agenda.

**B. 2004-05 NEIGHBORHOOD SMALL PROJECTS PROGRAM.**

Art Davis, Planning Department, thanked the Chairman, Co-Chairman and members of the Board for their past cooperation in the development of the Capital Improvements Program (CIP). The Neighborhood Small Projects Program is a very important part of the CIP and provides the opportunity for citizens in various neighborhoods to present ideas. Many of the Board's ideas were included in the 2004-05 CIP: scoring concept, suggested criteria, neighborhood definition, notification procedures and citizen involvement. Selected citizens participated in the review. Eight proposals were reviewed by an interdepartmental team and citizens. Staff included Budget, Police, Parks & Recreation, Transportation, Planning and Housing & Community Development. During the sessions, some additional issues and questions were raised regarding maintenance and installation for selected proposals. These issues are still currently under review by the respective departments. Recommendations will be compiled and presented as a part of the final CIP.

Mr. McIntyre asked if the Board had a copy of the proposed projects.

Mr. Davis said that he would provide the Board a list after final review by the evaluators. Neighborhoods were Warnersville, Northeastern Concerned Citizens, Tolbert, Linwood, Fisher Park, Westerwood and Ardmore Park. He said they would provide the Board with a spreadsheet with the recommendations within the next few weeks.

Chair Downs said the Board members were looking through their packets today and they did not have a list of the particular projects.

Mr. Davis said that was right. In that packet, they would like to present the recommendations, the amount and all the detail at one time. They do not have that completed yet.

Chair Downs said then what the Board was doing was taking public input from folks on projects in the neighborhoods and they were going to couple that with the packet provided to the Board later. He asked if that packet would be in the Board members' hands by the next Board meeting.

Mr. Davis responded that it would be. He said normally the public hearing comes first and then the Board's action comes later.

Chair Downs asked the persons proposing to speak on these projects would come to the podium, given their name, what neighborhood they were representing, and what project they were speaking to at the beginning.

Fanny Gilchrist said she was from the Tolbert Neighborhood Association. She said they were here today because she had been a resident there for several years, but their neighborhood was made aware that there is some property between Dewitt Street and Perkins Street that is overgrown property; it doesn't belong to either one of those houses. They have their homes there, but this property has just grown up. They were made aware of the fact that it did not belong to the adjoining homeowners. So the neighborhood would like to have a flower garden, but they need some help with the planning of how to go about getting it done. There are trees there, but no lights, so that is not good because they don't want children going through there. Children are inquisitive and at night they probably would go through that area. They don't want anything to happen so they would like to have a light there and also to have a flower garden there. The neighborhood would be responsible for keeping it up, the grass and all those things from it.

Chair Downs asked Ms. Gilchrist if her Neighborhood Association had access to funds, did they raise funds?

Ms. Gilchrist said no, they did not. It is a small neighborhood and most of it is made up of older people, but this year they have had two houses built in their neighborhood, so that means that they are bringing in younger people and that was good for them.

Mr. Rhodes asked Ms. Gilchrist where the Tolbert Neighborhood was located, at Perkins and Dewitt?

Ms. Gilchrist said the Tolbert Neighborhood was between Benbow Road and Highway 29, but the property is between Dewitt Street and Perkins Street.

In response to another question from Mr. Rhodes, Ms. Gilchrist said the property their request was on was not large enough to put a house on, but it has become overgrown.

Chair Downs said he understood that the subject property was City-owned; was that true? And it was overgrown?

Ms. Gilchrist responded yes, it was City-owned and was overgrown. She said for years they had thought the property belonged to the houses which were on each side of it, but it did belong to the City.

Mr. Hall suggested that Mr. Gilchrist contact Mr. Davis' office, who spoke to the Board at the beginning of the meeting. If you don't have it, there is a form that will kind of lead you through making a request for assistance from the City on this project. The Chair asked her about whether there were homeowners' dues being paid. It is not always necessary for you to be able to put actual dollar funds into a request. If the community can describe with a sufficient detail, the sweat equity, they would be willing to put into this to beautify this area and possibly with help from the City, the area could be cleaned up and you could request funding. Then your contribution to this would be beautification by adding flowers into this public area that's not being cared for now. He thought that would be the way to approach the process of getting this into the CIP budget so that you would be able to have some help with that.

Ms. Gilchrist said she thought that they had already done that. She said East Market Street Development Corporation works closely with them and Jim Donnelly was here today to discuss the issue.

Jim Donnelly, East Market Street Development Corporation, spoke in favor of the Tolbert Community Garden, which is one of the projects that has been submitted as a part of the Neighborhood Small Projects Program for the fiscal year 2004-05. One of the key points in the Comprehensive Plan is the livability of

neighborhoods. The Dewitt Street right-of-way is a good example of the property. Dewitt Street exists between McConnell Road and East Washington and the right-of-way, but no street has ever been located between East Washington Street and Perkins Street. The area is significantly overgrown and unattractive and it certainly doesn't fit with the Comp Plan livability criteria. In addition, that area is already used as a connector between the streets. Without lighting, and the overgrown condition, it is a safety factor for the neighborhood as well.

Making it a designated, lighted pathway or putting in a flower garden would add something of value to the community. One of the things they do feel very good about is that this is a collaborative project. The neighborhood worked with a landscape architect to prepare a drawing of what this area could look like and have talked with the Boy Scouts and A&T to help get their assistance in moving ahead with a small flower garden. They have gotten approval for that and that is something that the neighborhood is intending to do without the City's support. The project is looking for support to make this overall area a real community asset. They think they can do something that makes it look a little better, but with this project they think they can leverage a relatively small amount of resources on behalf of the City into something that becomes a very significant community asset. Therefore, the respectfully request that the Planning Board look favorably upon this request.

In response to a question from Chair Downs, Mr. Donnelly said the East Market Street Corporation would participate in a number of ways. With a local garden they just put in in Jonesboro-Scott Park Neighborhood, they did.

James Scales, President of the Warnersville Recreation Center Advisory Council, requested landscaping of the Warnersville Recreation Center. It is part of the City Recreation Department and is adjacent to David E. Jones School. In the last 2 years, David E. Jones School has revamped their side of the place. They have decorated the front and landscaped their place, which is adjacent to the Recreation Center, and Warnersville looks a little deserted there by itself. They got a plan together and they also want to put a public sign out front, a public sign saying "This is a public facility". He asked that the Board recommend this project so that they will be not on the lower end of the community where the school is.

Chair Downs said obviously this was a landscaping project. The property that would be landscaped is owned by the City of Greensboro and is a City Recreation Center that he is asking to be landscaped.

Mr. Scales said it was one of the older Recreation Centers. It was built in 1958 and a lot of landscaping has never been done.

Chair Downs said that when the City builds or owns Recreation Centers, it should be landscaped as a regular policy.

Laura Jackson, 2615 West Court Street, said she represented the Ardmore Park Community Watch. They took time last year to make a 5-year plan, working with ICA and that group. The citizens participating determined that the center of their neighborhood is the small Ardmore Park, which is located at the intersection of West Florida Street and Belmar. Until the Crime Watch was formed about 3 years ago, they were lacking even a sign at that park. Their group has since gotten a sign identifying the park as Ardmore, as all other neighborhood parks in the area had. They asked permission and have planted a flower garden around there. That intersection is where all of the school children of middle and high school age gather to catch the bus. They had the basketball goals taken down at the basketball court because they had a drug problem there. One of the neighbors near the bridge asked for it to be removed at about the same time that the Crime Watch newly formed asked for those basketball goals to come down. That leaves the

citizens on Swan Street and Cambalen without an easy access to the park area. That park area is slated for new playground equipment with the safety turf underneath.

They are also lacking in their area a sidewalk along the busy West Florida Street. They understand they are on schedule for that remaining section of sidewalk to be completed up to High Point Road sometime during this year. But as part of their plan that she spoke of, they wanted to form a nucleus of a walking group. All of them are ladies. They want to get all citizens in the neighborhood involved and participating in their organization and they feel that exercise is a good way. They need a safe way for people to navigate and they want them to enjoy the park, since it is this nucleus of their neighborhood. They followed all the guidelines for the Small Projects Program and, in fact, worked with the gentleman who helps plan walking trails. He helped them with their estimates and mapped out three choices for them. They looked at the choice that meant the most to their neighborhood. The proposal that they made is for an entire system of hiking paths through the park, including restoration of the bridge. However, recognizing that the funds are limited for this, they are comfortable with breaking the project down into segments, if need be, and they are planning some fundraising events and will be approaching some of the businesses on High Point Road for some additional help to, once they have a trail, put in exercise equipment along the trail, similar to the other City parks. They would like to expand the flower gardens with Parks & Rec's permission. All of the flowers that are currently around the new park side were donated and the labor was donated. She was sure that they had a number of individuals in the neighborhood who would like to contribute flowers and expand flowers in that area.

Chair Downs asked if Mr. Davis was aware of the different segments of this.

Ms. Jackson said yes; that was made very specific when they made their request that they could break it into segments, but it would be preferable if they could get the whole thing done at one time. When the request was prepared, they were very careful to allow for modification.

Mr. Rhodes asked Mr. Davis that once these applications were sent to his office, he was certain there was a time frame before they can be approved.

Mr. Davis said after action by the Board or the Council they can be implemented. But it has to go through the process of this Board's recommendation to Council and then Council will approve implementation by the Budget Office. He added that, in terms of these various proposals, his understanding was it entered the department on a team, which is staff, and each of these are reviewed in relation to their own respective budgets and priorities on a departmental level. The team comes together to discuss mutual areas of concern that might affect this proposal and its both short term and long term implications.

Mr. Rhodes said it seemed that all the people coming here were all very concerned about improving their neighborhoods. He thought that was one of the things they would be looking at very seriously. He thought if they could expedite those things a little more, they would be more comfortable in anything they're trying to do. He said the Board was not doing anything negative, so he thought they could just work on that a little harder.

After much discussion the CIP Public Hearing was closed.

**C. ORDINANCE AMENDING TABLE 30-5.1, PERMITTED USE SCHEDULE, OF GREENSBORO DEVELOPMENT ORDINANCE, TO PERMIT FUNERAL HOMES OR CREMATORIALS IN THE LIGHT INDUSTRIAL DISTRICT. (RECOMMENDED)**



Mr. Ruska said this request is to amend the Permitted Use Schedule of the Unified Development Ordinance. The requested change is to add funeral homes or crematoriums as a permitted use in the Light Industrial District. This amendment was considered by the Multijurisdictional Development Ordinance Committee (MDOC) at its April 7, 2004 meeting, and after consideration, they unanimously recommended this amendment be adopted by Guilford County, the City of Greensboro and the other participating jurisdictions that attend the MDOC meetings.

By letter dated February 26, 2004 Donald R. Allen, on behalf of Allen & Associates Funeral Service, requested that this text amendment be made. Currently, funeral homes or crematoriums are allowed in two General Office Districts, Moderate Intensity and High Intensity. They are allowed in three Commercial Districts, Highway Business, General Business and Central Business, and they are allowed in the Public and Institutional District with a Special Use Permit. This proposed amendment would add Light Industrial as a district that would permit funeral homes and crematoriums.

Chair Downs asked if there was anyone present who wished to speak in support of this request.

Donald Allen, resident of Greensboro, stated his funeral business is currently located in a building that is not conducive to growth. They have found a building that is quite nice and it is in an area zoned Light Industrial. If they are able to get into this building, they should be able to increase their growth and be a valuable part of this community and City in terms of tax base and overall help to the community.

Mr. Rhodes said he was familiar with Mr. Allen's current location. He asked where the new location will be.

Mr. Allen said it would be 1515 Yanceyville Street. It was the former office of Liberty Life Insurance Company, right beside the American Red Cross, about two buildings away from the post office on Yanceyville.

Mr. Hall asked Mr. Ruska if he felt comfortable with this proposal, expanding the use in the Light Industrial Districts. He said he did not hear a recommendation from staff.

Mr. Ruska said under the City's previous ordinance, funeral homes were allowed in five different industrial districts. They were allowed in all the commercial districts and they were also allowed in Institutional 100, which was the equivalent of an office district. When the City adopted the Unified Development Ordinance, the Light Industrial District had become kind of a mish-mash of uses. It was a combination of commercial, industrial, service, office and everything but the kitchen sink was allowed in it. One of the attempts that they made through the Unified Development Ordinance was to keep industrial districts more pure industrial - warehouse, and wholesaling, that type of operation. And at that point, funeral homes were not included as a permitted use. You also have to put this in the context that they were working in conjunction with Guilford County and the City of High Point in the development of this Permitted Use Schedule. So at that point, funeral homes were not included. He said he did not know that he had a serious objection to funeral homes being allowed in the Light Industrial Zone. He thought that there were other types of uses that they previously used to allow that probably should not be allowed in a Light Industrial District because it would probably degrade the district too greatly. He said he did not think funeral homes were in that class though.

Chair Downs asked if there was anyone present who wished to speak in opposition to this request, and no one came forward. Therefore, he closed the public hearing.

Mr. Rhodes moved that the Board recommend this amendment to City Council, seconded by Mr. Hall. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

**PRESENTATION BY GDOT ENGINEERING DIVISION ON RECENTLY REVISED DRIVEWAY MANUAL: DOCUMENT IS AVAILABLE FOR REVIEW ON WEBSITE AT [http://www.ci.greensboro.nc.us/gdot/engineering/driveway\\_manual.htm](http://www.ci.greensboro.nc.us/gdot/engineering/driveway_manual.htm)**

Mr. Fischer with GDOT said also present was Bill Judge with GDOT, who has been working on a modification of their Driveway Manual. The current Driveway Manual, last revised in 1994, has been serving us well. However, from time to time, certain conflicts and issues come up that are not addressed in writing within this manual. What they have attempted to do essentially is to revise the manual to bring it more up-to-date as to what is going on and what is being done in other parts of the country. For about a year, they had studied other cities throughout the Southeast to see what they are doing as far as providing adequate access to public roadways safely and efficiently moving traffic on those roadways as well as looking out for the rights of the property owners so that they have adequate ingress and egress to their property. Therein lies the conflict between the needs of the traveling public and the rights of the property owner to have access to our public roadways. GDOT had also been working with TREBIC to get their approval of what they are doing to make sure the development community has bought in. GDOT has worked through some issues with them and made some revisions to what has been presented to you on our website. He said he hoped the Board members had gotten a copy of the revisions from the website and looked at it, but he knew it was sort of dry reading. He said Mr. Judge would take them through some of the nuts and bolts of what was going on and hit the highlights. Marlene Sanford of TREBIC couldn't be here today due to her vacation. He said they would have liked to have her here to endorse the revisions, but she sent her regrets at not being able to be here. She only wanted to pass along that TREBIC was in support of the new manual and the work that they had done. He said now Mr. Judge would talk with them about some of the nuts and bolts and technical issues behind the revisions of the manual.

Bill Judge, also with GDOT, said they started on this process quite some time ago and had been working on and off trying to incorporate as many things as possible into the revised manual. He said before he started, he wanted to go through a quick presentation that he received from the Transportation Research Board that describing the principles or the reasons why there are driveway manuals and driveway regulations throughout the country. They break down into 10 simple principles that typically they are trying to incorporate with access management. He then went over the 10 principles with the Board. He said most of these are principles that they have been incorporating internally but haven't had in written form, and for some they are trying to create better definitions. With those 10 principles in mind, the City's first Driveway Manual was adopted in 1984, and was revised in 1986 and 1994. Since 1994 there have been no formal revisions, but their department has been working with developers and incorporating a number of those concepts that he just went through in their requirements, but they have not been documented. He showed Battleground Avenue as an example of the old style, before they had many regulations, showing a lot of the problems they were trying to avoid. Main goals they started out with in revising the manual were to take existing guidelines or technical requirements, which we had been requiring but had never really been documented -- turn lane designs, for example -- and to incorporate those into the written document and to create numeric spacing requirements for different types of intersections. The current manual does a fairly adequate job on local streets, setting bare minimum standards such as a 20-foot minimum space between driveways, but it really does not adequately address Battleground or Wendover or the higher level streets. They had imposed greater requirements for those, but as new developers come into our community or people try to develop property for the first time, it is often confusing for them because they have a document but they find things to be more restrictive in practice than it says. So they tried to include

those. As Mr. Fischer said, they are also trying to be consistent with other municipalities. He pointed out two more examples of sight distance, which is something they have a lot of problem with throughout the city where they don't have adequate sight distance for seeing vehicles entering or exiting driveways. The current standard only required 100 feet of sight distance and did not vary based on the speed limit. Obviously, the higher speed limit on a street, the more sight distance you are going to need. He presented some issues that they tried to address. They tried to incorporate some design standards that they give people when they require something like a left-over so that they can have some rough idea of how to go about designing it. He showed a picture of a right in, right out driveway, which was in the old standard. They have had very limited success with those, unfortunately. Most people are either confused or choose to still turn around them unless you really get a lot of deflection. Either people don't understand them, or they understand them and tend to violate them anyway.

Also, they wanted a manual flexible enough to address areas like State Street and the CBD. They didn't want to set standards so restrictive that when we have a unique area, we couldn't step back and try to determine what was best for it. He presented a brief outline showing the method that they went through. He presented a list of some of the municipalities and agencies that they studied, looking at their manuals and policies, and determining from each the things they thought would work well in Greensboro. They are now trying to finish up the revised manual. They are trying to get the last sets of comments. As Mr. Fischer said, they believe they have gotten all the comments and all the issues resolved with TREBIC. GDOT wanted to bring the manual to this Board because it does have a significant impact on the development of the city and make sure that there was nothing that they have overlooked before it was finalized. One of the things that they had tried to do in keeping with the Comp Plan was to encourage joint driveways and cross access.

There are some other Comp Plan committees that will continue to study that issue and try to develop more programs for future cross access. At this point, there is a legality that they cannot absolutely require cross access, but they are trying to encourage it. Probably one of the biggest changes is along thoroughfares and major collector-type streets where they are trying to encourage the radius-type driveways rather than the aprons, which will help people get in and out faster and should help make things a little safer. They did come up with four street classifications, and they varied the standards based on those so that when someone is connecting to a thoroughfare, they have the most restrictive standards. Collector streets and local streets were two additional classifications. The fourth, the CBD was exempted basically. Those streets they will take on a case-by-case basis. They came up with a nice table that they feel will summarize most of the requirements. They determined that the dimensions for parking spaces could be reduced so that should help with creating less impervious area, and also help on sites that are really tight -- reuse of a house for another use, for example. They designed some charts where people can go in if they know exactly how much traffic their site is going to be generating and in a nice numeric way determine what it is or is not required.

They are trying to get all the comments in before printing up the nice glossy copies. They made a recent change for Engineering, which changed their design standards for drainage and to make the driveway as it connects to the street a little more ADA accessible in areas with sidewalks. At this point, they are looking to get all the comments wrapped up and will probably take the manual to City Council in a briefing. If they don't hear any other concerns or things that have been overlooked, then they will go ahead and adopt it and incorporate it as the new Driveway Manual.

Mr. Rhodes said he was glad he was here today because this whole idea interests him. He was glad they included the areas where they had key issues having to do with inadequate sight distances. He said he hoped it was inclusive of all Greensboro.

Mr. Judge said yes, this would apply for all new driveways.

Mr. Rhodes said he wanted to call attention to the intersection of Sykes Avenue and Phillips Avenue. There is inadequate sight distance; you have to pull out into the street to even see if a car is coming. He asked who would be the appropriate person to contact with that problem.

Mr. Judge said he knew they had been looking at some things along Phillips Avenue recently with some pedestrian issues, but certainly their department would be the appropriate people to look at that. They can go look at it and see if there is anything that can be done. Unfortunately, with a lot of existing intersections, some things are not physically practicable to go in and improve. In some of those locations around town, you may see overhead flashers or an actuated flasher that tells you when a car is approaching. They don't like to put those in, because there is some liability if the flasher quits working and you pull out in front of somebody. They would rather resolve the issue and make sure there is plenty of sight distance. He said the intersection at Sykes and Phillips Avenue would be looked into by their department to see what they could do.

Mr. Rhodes said he would appreciate that because it had been brought to his attention on more than one occasion. Area citizens would appreciate anything that could be done for them.

Chair Downs thanked Mr. Fisher and Mr. Judge for coming before the Board and giving them information on the new Driveway Manual.

#### **UNIFIED DEVELOPMENT PLANS:**

##### **A. GREYSTONE SUBDIVISION - BIRCH CREEK ROAD - FOR TRIAD LAND RESOURCES - 54.82 ACRES, 235 DWELLING UNITS MAXIMUM. (APPROVED)**

Mr. MacIntosh said this was a unified development plan (UDP) on the west side of Birch Creek Road. Almost all of the Birch Creek Ridge Subdivision immediately to the north is inside the City limits pursuant to a previous satellite annexation. The annexation of the Greystone property will become effective at the end of April. The way that operates is that City boards may approve a subdivision preliminary plat, site plans, and UDPs like this and even plans going along with building permits, but they only become effective on the effective date of annexation. So if this Board approved this UDP today, it will become effective April 30. If the developer were to submit a preliminary plat to the TRC for approval, same thing, effective April 30.

There are two main purposes for UDPs. One is to specify the permitted uses, the amount of development in various subareas or phases on the plan, and the dimensional standards that will govern the development of the property. The other purpose is to place these development standards into a form recordable at the Register of Deeds Office. This is done to provide notice to future property owners and occupants. The future owners might be individual homeowners, but might also be other developers developing sections of the development. The UDP also shows the proposed landscaping and sign requirements, at least in a general sense, especially if they are going to be different from the ones in the Development Ordinance. The developer, in setting up the "menu" as it were of development standards, may borrow from existing standards in the Development Ordinance or propose different ones or be a combination. This plan does a combination; it borrows on some of the landscaping, sign, accessory buildings, fences, etc., provisions and it has some provisions and standards of its own with respect to building setbacks.

There are different lot sizes, setbacks, etc., for each of three sections on this plan. Section A, which is by far the largest section, follows the standards by and large of the RS-7 (residential single-family, 7,000 square feet minimum lot size) standards, but does not line up precisely with those standards. Specifically, the menu of standards on this plan does not require extra width on corner lots and it has slightly smaller minimum street setbacks. These should be fairly slow-travel streets, which would be amenable to those smaller setbacks. For Section B, which is the second largest section here, largely across the southern edge, the standards are pretty much in line with those of the RS-5 district, but they differ in the same manner as Section A differed from RS-7. Section C, the smallest of the three, is designated for multifamily or single-family use. If developed for multifamily use, then the standards proposed have smaller street setbacks than in the Development Ordinance's RM districts and also do not employ the yard space triangles, which are the setbacks that relate to how tall your building is, how wide it is, etc. If Section C were to be developed for single-family, then it would employ the same standards as applicable over in Section B next to it.

The way the process works, once the Planning Board has approved the uses and development standards on a UDP, then those standards govern the development from that point forward. Subsequent preliminary plats going to the TRC will flesh out the plan, showing lot lines, perhaps some additional streets, utility easement, etc. The TRC does recommend the Planning Board's favorable action on this Unified Development Plan.

Chair Downs asked if there was anyone present who wished to speak to this project, and no one came forward.

Mr. McIntyre said asked about walkability of new neighborhoods in the Comp Plan. He asked if this were reviewed with the Comp Plan in mind, as far as those specifics in neighborhoods or are they that far yet in the process?

Mr. MacIntosh said it doesn't get that specific. That would be more at the preliminary plat review stage. At that point they would see the proposed sidewalk locations. Sometimes at this UDP stage, they would see some open space proposals. More likely that would be at the preliminary stage as well.

Chair Downs said then what the Board was getting here were densities, lot dimensions, open space?

Mr. MacIntosh said the Board was getting the major governing rules, as it were.

Mr. McIntyre moved approval of the Unified Development Plan, seconded by Mr. Koonce. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

**B. GREEN CREST - RANDLEMAN ROAD AND ROCKY KNOLL CIRCLE - 14.07 ACRES, 1.13 ACRES IN COMMERCIAL USE, 62 SINGLE FAMILY LOTS MAXIMUM. (APPROVED)**

Mr. MacIntosh said the second UDP was on the east side of Randleman Road, and Rocky Knoll Circle was just to the south. The property is zoned Conditional District - Planned Unit Development Infill, which is more designed for smaller PUDs closer to downtown than is the PUD-Residential that applied to the last plan. This plan calls for one commercial area at the southeast corner of Randleman Road and Apple Ridge Road. The remainder of the property is to be devoted to single-family lots and streets and also open space. The open space especially will be over on the eastern side of the property alongside a stream.

There is dedicated area existing on the far side of that stream, so this will complement the existing dedication. The commercial area is proposed to use dimensional standards similar to those in the General Business District, except for a smaller setback from a side street. The standards table has "GB" in its heading, which staff feels is a little misleading in that the proposed standards do not incorporate the standards of the GB zoning district in its entirety. There are some differences. So staff would recommend that approval of this plan be with the condition that the "GB" reference be removed and the reference refer to commercial lot or something like that rather than having "GB" in the title of that table. Staff feels that could mislead an enforcement person or a plan reviewer in the future and it is just a minor change. As far as the residential areas, the vast majority of the property, the proposal is for standards similar to the RS-5 District, but does not require that the width be increased on corner lots and has a considerably smaller minimum side street setback requirement than you would find in the Development Ordinance. Again he thought you would dealing with slow travel situations at the corners in this development so it is not something staff would recommend here, there and yon, but they feel it would work in this setting. The TRC would recommend your favorable action on this UDP, with the condition that that "GB" label be removed.

In response to a question from Chair Downs, Mr. MacIntosh said he believed the zoning previously was RS-12. Under the PUD, the maximum is 62 residential lots. There are about 13 acres, so you would probably looking at something in the low 30s, in terms of numbers, if it were RS-12 today and they were laying out a subdivision. So in terms of the maximum allowable, you are almost twice what you would have been under the previous zoning, if he was remembering correctly that it was RS-12. If it had been RS-9, then the degree of change would be less.

Chair Downs said he liked to think that the incentives are working coming up with this kind of a project.

Mr. Rhodes thanked Mr. MacIntosh for clarifying something for him here. As you enter that property, there is a sign out in front that says "Commercially Zoned," and the question had come to him on several occasions about what area had been rezoned. Is that little area there as you enter from Randleman Road the only area that is commercially zoned?

Mr. MacIntosh said that the entire property had been rezoned, but the rezoning specifies that only that area Mr. Rhodes referred to can be developed commercially.

Chair Downs asked if there was anyone present who wished to speak on this request, and no one came forward.

Mr. Hall moved approval of the Unified Development Plan, subject to removal of the reference to the letters "GB" from the table shown on the Unified Development Plan submitted, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

#### **ANNEXATION PETITIONS:**

##### **A. PROPERTY OF DAVID RAY AND WILLIAM C. RAY - EAST OF WATLINGTON ROAD, NORTH OF LEE'S CHAPEL ROAD - 4.5-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh said Mr. Cloud just reminded him that there was an error on our map on the acreage. The actual acreage is 4.5, which the agenda shows, but the map shows it as 4.84.

He said this was a contiguous annexation. This property and the property to the south of it back down to

Lee's Chapel Road is all one ownership. Way back when, the City annexed 150 feet north of Lee's Chapel Road through here and the property was split. This request is simply to bring the rest of the property into the city limits, as the other part has been in the city limits for probably 30 years.

The whole property is proposed for development with a combination of single-family detached dwellings and townhouses. Water and sewer are present in Lee's Chapel Road. The water line could be extended up Watlington Road to serve the property. A sewer line could be extended up here, perhaps not the whole way, and some of the property won't drain by gravity to this sewer line, primarily the northeast corner. So when development is done, you could expect the actual building locations to gravitate towards the western and southern sides and away from that northeastern corner, sort of clustering up to where you can get the sewer out by gravity. As far as other City services besides water and sewer, they should be a fairly routine matter and be provided the same way they are to the front portion of the property that is already inside the city limits. The TRC recommends approval of this annexation petition.

Mr. Hall moved to recommend approval of the annexation petition, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

**B. PROPERTY OF COALHOUSE RULED, INC. - 1607 GUILFORD COLLEGE ROAD - 5.45 ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh said this is a satellite annexation petition on the east side of Guilford College Road, at 1607. This property is a short distance, basically two lot widths, north of a previous satellite annexation that is now being developed under the subdivision name of Spencer's Trace. There is a water line existing in Guilford College Road to which this property can connect and run its own water line into the property. There is a sewer line in Spencer's Trace which could be extended to serve this property. Of course, it would be the responsibility of the future developer of this property to pay for extending that line and acquiring whatever easements are necessary. The proposed future use for the property is for townhouses. He thought the zoning condition limits it to a maximum of 20 townhouses. As to other City services besides water and sewer, staff feels those can be provided in a manner comparable to the way they are now being provided to the new subdivision. The TRC recommends your favorable action on this annexation petition as well.

Marc Isaacson, Esq., 101 West Friendly Avenue, said he was representing the contract purchasers of the property, Mid-Atlantic Townhomes, LLC, as well as the current owner of the property, Coalhouse Ruled, Inc. He said they were here to answer any questions the Board might have and request the Board's favorable action on this matter.

Mr. Rhodes moved to recommend approval of the annexation petition, seconded by Mr. Hall. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

**ITEMS FROM THE DEPARTMENT:**

**A. REQUEST TO CALL A PUBLIC HEARING ON CHANGING THE NAME OF THE PORTION OF LELAND DRIVE EAST OF WIRELESS DRIVE TO CAROWILL DRIVE. (PUBLIC HEARING CALLED)**

Mr. Cloud said he was before the Board to request a call of a public hearing on changing the name of the

portion of Leland Drive east of Wireless Drive to Carowill Drive. This is just to call a public hearing for next month, and if approved, it will come back to you at that time. A short section of street was closed, which resulted in unconnected travelways bearing one name, and it has become a confusing situation with people and addresses.

Mr. McIntyre moved to call a public hearing to be placed on next month's agenda, on changing the name of the portion of Leland Drive east of Wireless Drive to Carowill Drive, seconded by Mr. Koonce. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Rhodes, Koonce. Nays: None.)

**ITEMS FROM THE CHAIRMAN:**

None.

**ITEMS FROM BOARD MEMBERS:**

Mr. Koonce said a concern that he had was, when information comes to the Board, in order for the Board members to make good decisions, for the information to be adequate and complete. Sometimes it is almost as if they are being forced to make decisions based on not so much bad information, but incomplete information.

Another concern he had was when a decision on behalf of the community is being made, he felt there was not enough communication or channels of communication throughout those areas that will be impacted the most when it comes down to the decision. Now you've got some resident coming because they were not informed properly. Perhaps we could use some channel, whether it's a community organization, institution like a church, or some other means of getting the information out to the community so that the Board can make better decisions on the information that is given.

His last concern was concerning Lowdermilk Street. If the street is going to remain open, he would like to see the speed of the trains reduced back down to what it was or even lower because that is a residential area and there are a lot of young children around in that area.

Chair Downs said, in terms of incomplete information to the Board, his thought was that if they have concerns at any point (he knew that he would certainly do it) about lack of information or the quality of information, he was going to let staff know. And if we have to park a proposal and let it rest while that information is generated, he thought it was the right thing for the Board to do that. As to the question of public notice to affected citizens on these projects, are notice requirements for the various things that come in front of the Board stipulated by City ordinance or are there policies in place for that?

Mr. MacIntosh said not for the Planning Board items, generally. For rezonings, it is specified in the Ordinance that the adjoining owners and folks out 600 feet shall receive notice. On items such as street closings and street name changes, the folks who are right on the section being affected are notified and then beyond that, it kind of gets to be a judgment call as to how far out you should go. He said there was one item at Council last night where staff notified folks on the affected section of the street, notified folks on the other section of the street, but the party who was speaking in opposition at Council to the street closing lived off of a side street and objected that if the street had been closed she would have had to come and go by one path, whereas heretofore she had been able to come and go two different ways. So staff tries to make a reasonable judgment, but sometimes they are right and sometimes they are wrong in terms of how far out to send the notices. You don't want to bombard a lot of residents who are not affected, but then you



want to try to get the people who definitely will be affected, and then there is that gray area in between.

Chair Downs said he thought this went to the heart of the issue raised and the discretion of the Board in their review, could Mr. MacIntosh put together a short bullet list of those items that come before the Board where staff exercises discretion in the notice requirements?

Mr. MacIntosh said there was a list of items that staff put together for Board member orientation. They could go through that and list which ones we send notices out for and is it discretionary. If by chance they stumble on one there that is covered by City code, saying you must cover such and such, then perhaps they could enlist a little aid from the City Attorney's Office and flesh that out a little bit more.

Chair Downs said he thought that would be useful for the Board members because there is latitude that this Board has if it's not prescribed by code and if, in their judgment, they think that the public notice procedure has been inadequate, that can be another reason for them to take something other than move it on through the process here. They could send it back for more notice, if they have that discretion.

Mr. Rhodes said he wished to thank all of the staff who participated in revisiting this Lowdermilk issue and he wanted to thank Mr. Koonce for reminding him that he wanted to put it to sleep. For himself, he was very vehement that he thought a closing would be a disaster to that community. At the hearing at Gethsemane Baptist Church on the 29<sup>th</sup>, folks were very, very upset because they had no notification, which sort of strengthened his vote against that item.

Mr. McIntyre asked what was the data base that the City used when they mail things out. A lot of times it's not very accurate. Is that County information?

Mr. MacIntosh said they got the County tax listing and the County apparently bundles the changes and then at a certain time of year, drops the changes in ownership in there. Often City staff find that somebody has bought a piece of property six months ago or more and we still have the old owner's address that we're getting from the County.

#### **SPEAKERS FROM THE FLOOR ON ITEMS UNDER PLANNING BOARD AUTHORITY:**

None.

#### **APPROVAL OF ABSENCES:**

Mr. McIntyre moved approval of the absences of Mr. Marks, Mr. Bryson, Mr. Fox and Mr. Pike, seconded by Mr. Koonce. The Board voted 5-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Rhodes. Nays: None.)

\* \* \* \* \*

There being no further business before the Board, the meeting was adjourned at 4:42 p.m.

Respectfully submitted,

Robert Morgan  
Acting Planning Director

RM/jd.ps